Supreme Court, U.S.
FILED
04 688 SEP 18 2004

IN THE Supreme Court of the United States

El Shaw, et al. *Petitioner,*

v.

William Shaw, ETC

(including but not limited to: as Curator of The Estate of Arthur Shaw Deceased)

On Petition for a Writ of Certiorari to: Florida Supreme Court

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Petition for a Writ of Certiorari

PETITIONER:

El Shaw

2206 Hermann Dr.

Houston, TX 77004-7614

Writ was originally mailed to Court: Sept. 15, 2004

QUESTIONS PRESENTED:

1. **Are qualifying disabled folks to be provided in Court proceedings: "Effective Communication of Complex Matters Using Unbiased Interpreters With No Conflicts of Interest" as provided in Federal law?**

2. **Are trusts and/or estates left by qualifying disabled folks to be provided in Court proceedings: "Effective Communication of Complex Matters Using Unbiased Interpreters With No Conflicts of Interest" as provided in Federal law?**

3. **Since a large part of the proceedings should have been about "Effectively Communicating using Unbiased Independent Interpreters with No Conflicts of Interest" ... "At No Additional Charge" ... "What the disabled person wanted" ... should there be no attorney and other charges in providing this from the disabled's assets?**

The 1994 Technical Interpretations to ADA have a specific example of a doctor communicating with his stroke victim client. Doctor is not allowed to charge extra fees to insure accurate "Effective Two Way Communication".

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SETTLEMENT AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND GREGG TIRONE, ESQ. DEPARTMENT OF JUSTICE COMPLAINT NUMBER 202-53-20
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STATEMENT OF THE CASE

Subject Order (recategorized a requests for misc. relief including but not limited to ADA Accommodations): http://www.flcourts.org/sct/clerk/disposition/2004/6/04-558.pdf

http://199.242.69.70/pls/ds/ds_docket?p_caseyear=2003&p_casenumber=1436&psCourt=2&psSearchType=

http://199.242.69.70/pls/ds/ds_docket?p_caseyear=2003&p_casenumber=371&psCourt=2&psSearchType=

http://199.242.69.70/pls/ds/ds_docket?p_caseyear=2002&p_casenumber=4392&psCourt=2&psSearchType=

El Shaw was found to be disabled and qualified for Americans With Disability Act protections pursuant to the Judge's signed Court Order issued in underlying Florida Probate case no. 00-1942.

The record in the Florida Probate Court, the Florida 2nd Court of Appeals, Florida Supreme Court and other Courts rulings which the before mentioned Courts relied upon present many times over violations of ADA Title II, ADA Title III, 1994 Technical Interpretations of ADA Titles II and III, Section 504 of the Rehabilitation Act.

The Court records will present numerous attempts to invoke the above cited protections and accommodations for relief on behalf of El Shaw and/or severely disabled family members which remain denied and unanswered to this day.

In other words, the Courts, opposing attorneys and (non-independent) Curator of my deceased Father, Arthur Shaw's Estate, conducted themselves in complete disregard

of protections and standards provided by: ADA Title II, ADA Title III, 1994 Technical Interpretations of ADA Titles II and III, Section 504 of the Rehabilitation Act.

ADA Title III and related 1994 Technical Interpretations of ADA (Federal Statutory level law) provides for "Effective Communication of Complex Matters by Unbiased Independent Interpreters with no conflicts of interest (in private contractor services including attorneys, doctors, accountants)" it goes on to address that there shall be no extra costs to the disabled in the provision of these services.

Federal law provides the stronger protections of Federal or State law prevail in this area. Federal law provides stronger protections.

A HUGE FEDERAL LAW ADA/504 REHAB ACT BASED LEGAL ARGUEMENT WOULD BE: SINCE THE ENTIRE PROCEEDINGS ARE ABOUT "EFFECTIVELY COMMUNICATING USING UNBIASED INDEPENDENT INTERPRETORS WITH NO CONFLICTS OF INTEREST" "AT NO ADDITIONAL CHARGE" WHAT THE DISABLED PERSON WANTED ... THERE SHOULD BE NO ATTORNEY AND NO OTHER CHARGES IN PROVIDING THIS FROM THE DISABLED'S ASSETS. The 1994 Technical Interpretations to ADA have a specific example of a doctor communicating with his stroke victim client. Doctor is not allowed to charge extra fees to insure accurate "Effective Two Way Communication".

The Curator's Court record many times over clearly shows bias and Conflicts of Interest on the part of Curator. ADA Title III 1994 Technical Interpretations specifically

provide for "Independent Interpreters". Conflicts included but were not limited to economic conflicts of interest and lack of independence in actions, appearance and fact.

Relief requested also includes getting disabled persons instructions (re. Fundamental Rights magnitude topics) before a Court for action and the failure of the Court to act on the instructions.

Key support includes: Americans With Disability Act (ADA) "Effective Communication" and "Accommodations" as defined by Statutory Regulations.

The U.S. Supreme Court case, Tenn. V. Lane, decided May, 2004, stands for getting the disabled person into the Courtroom.

My case includes those Tenn. V. Lane aspects plus (PROCESS ASPECTS); the inequalities the disabled person faces once inside the courtroom (e.g., the ADA and Rehabilitation Act violations in the court proceedings can lead to Due Process violations as recited in El Shaw v. Florida State Court System [U.S. District Court Southern District of Texas]). https://ecf.txsd.uscourts.gov/cgi-bin/login.pl

Complaints were filed with the U.S. Dept. of Justice (DOJ). Some DOJ complaint copies were filed most recently in the Florida 2nd Court of Appeals as the 2nd Court of Appeals docket indicates. The 2nd Court of Appeals ignored the substance of the ADA and Federal disability protection matters raised which they had.

The failure of each level of the Florida Court System (FL Lee County Probate Court, FL 2nd Court of Appeals, Florida Supreme Court) to consider the protections provided by the Americans With Disability Act, the 1994 Technical Interpretations of the Americans With Disability Act, Section 508 of the Rehabilitation Act, and the May, 2004 U.S. Supreme Court Tenn. v. Lane decision is particularly distressing since the same Florida 2nd Court of Appeals and Florida Supreme Court are responsible for separate cases involving a severely disabled woman (Terri Schiavo).

The Americans With Disability Act clearly provides that superior protections of Federal or State law apply. In Florida, Federal protections trump weaker State protections.

REASONS FOR GRANTING THE PETITION:

DUE PROCESS ASPECTS similarities: You might liken it to a paraplegic playing basketball against professional basketball player Yao Ming. Both are on the court. The paraplegic will get slam dunked every time. (In litigation this creates unfavorable disability case law- which evolves into further unfavorable disability case precedents).

Picture a person sliding down the slippery slope of a cognitive
disability. Imagine that person able to accomplish writing on 12 pages (in the best legal thought presentation on the level of an experienced attorney) requests for relief/matters for a Court.

The person has at least six major barriers to hurdle before the message can even be acted on. These barriers are the recipients of the message:

a. The **U.S. DEPT. OF JUSTICE, CIVIL RIGHTS DIVISION**, has a new set of priorities after 9/11. The stated policy further is not to get involved with individual cases. Thousands of ADA complaints are said to be backlogged. A senior executive at National Council on Disability indicated 1%-2% of the incoming cases are processed by DOJ. DOJ routinely sends the disabled folks along to the Federally funded Protection and Advocacy Organizations, P&As, instead of providing services (e.g., DOJ's phone bank protocol).

b. The individual Federally funded **STATE PROTECTION & ADVOCACY ORGANIZATION** (Federally mandated) is short of resources and/or the request is too robust and/or the disabled individual cannot get the message to the P&A in a manner which they will act on it. (e.g., All I know is what current press says re. Terri Schiavo. Florida P&A is now on the scene with a pivotal case investigation/recommendation role. I do not know whether they had involvement in the 13 prior years- before the spotlight of the press).

c. A **GUARDIAN** has an inherent conflict of interest. A **FAMILY MEMBER** also has a conflict of interest. (The ADA 1994 Technical Assistance Manual [Statutory level regulations] recites that the "Interpreter" used in communications with a disabled person must not have a conflict of interest [an example contained even excludes a family member based upon conflict of interest]).

d. A **PRIVATE ATTORNEY** is effectively not available for a number of reasons including:

1) Lack of pro-bono effective availability. The need for no/low cost affordable legal assistance far exceeds the supply. Attorneys will generally not provide meaningful, continuing, limited basis consultation leading to an underlying resolution of the case (e.g., for professional liability concerns, unbundling of legal services in violation of state regulatory rules).

2) In Florida, WI and many states "Unbundling Attorney Services" is not recognized. Therefore, the attorney delivering the message is effectively taking the entire case.

3) The "private attorney general provisions" for recoupment of attorney fees and costs are broken and not certain.

4) Finding the one possible attorney in the state is costly, energy consuming and a practical impossibility for many worthy messages.

e. The above persons (a-d above) might have automatic "Standing" to bring the message to the Court for "Sua Sponte Relief". It probably would be expected there would be some follow-up communications needed**. Continuing involvement in a matter is a negative when seeking legal help with limited or no resources**.

f. The **JUDGE** needs to make appropriate adjustments to receive the message and address the relief requested in the message. This can be particularly important if the message is delivered to the Court by the
DISABLED PERSON sliding down the slippery slope of cognitive disability (with nothing presented to the Court beyond the well written 12 page message and no follow through by the disabled person).

The current role of **Federally mandated ADA COORDINATORS** in the State Courts do not solve the problem (training seems to be geared to physical access to the Courtroom). The process of getting the message before the Judge, diligently understood and considered by the Judge, acted on by the Judge, and monitored by the Judge is not adequate.

The net effect is, many disabled folks Constitutionally protected rights are not able to be exercised. The possible population affected is 10% to 20%.

CONCLUSION:

The petition for writ of certiorari should be granted. My submission and your granting is a Mitzvah affecting thousands of disabled in virtually every State.
Respectfully submitted,

El Shaw AKA ..... I request a "John Doe" name for privacy).
I respectfully request the opportunity to cure procedural and other defects.
Originally submitted by mail: Sept. 15, 2004

APPENDIX:

The below briefs contain additional material citations related to my requests for relief:

—filed on behalf of George Lane and Beverly Jones—argues that Title II's requirement that state courts be accessible to people with disabilities reasonably protects the rights of people with disabilities to have access to the courts and that, as a whole, Title II reasonably protects people with disabilities from exclusion from state activities.
http://www.bazelon.org/issues/disabilityrights/lane/respondents.pdf

The U.S. Department of Justice argues in this brief for the constitutionality of Title II of the Americans with Disabilities Act.
http://www.bazelon.org/issues/disabilityrights/lane/doj.pdf

In this brief—filed by Minnesota, Connecticut, Illinois, Massachusetts, Missouri, New Mexico, New York, Vermont, Washington and Wisconsin—states argue that Congress had authority to abrogate to abrogate state immunity to enact the Americans with Disabilities Act.
http://www.bazelon.org/issues/disabilityrights/lane/statesbrief.pdf

Kansas and Delaware argue in this brief for the constitutionality of Title II of the Americans with Disabilities Act.
http://www.bazelon.org/issues/disabilityrights/lane/kansas.pdf

This brief filed by the Bazelon Center, the Paralyzed Veterans of America and 26* more advocacy and professional organizations details the history of discrimination against people with disabilities.
http://www.bazelon.org/issues/disabilityrights/lane/lane_history.pdf

This brief, filed by the Disability Rights Education and Defense Fund and the Employment Law Center, argues that the ADA is an appropriate law to reverse historical discrimination against people with disabilities, but that its effectiveness is threatened by ongoing state challenges to the laws constitutionality.
http://www.bazelon.org/issues/disabilityrights/lane/thornburgh.pdf

This brief filed by the National Association of Protection and Advocacy Systems (NAPAS) describes the inadequacy of state laws to address the many types of discrimination faced by people with disabilities.
http://www.bazelon.org/issues/disabilityrights/lane/napas.pdf

This filed by brief by Lawyers Committee for Civil Rights Under Law and other civil rights organizations argues for the importance of Title II in protecting the civil rights of people with disabilities.
http://www.bazelon.org/issues/disabilityrights/lane/lccul.pdf

This brief filed by the American Bar Association describes how states have denied people with disabilities full access to courthouses.
http://www.bazelon.org/issues/disabilityrights/lane/ABA.pdf

This brief by the Blanche Fischer Foundation describes historical state support for discrimination against people with disabilities.
http://www.bazelon.org/issues/disabilityrights/lane/blanchefischer.pdf

Federal Court Order: El Shaw v. Florida State Court System
https://ecf.txsd.uscourts.gov/cgi-bin/login.pl

A very recent Jan., 2004 U.S. Dept. of Justice complaint resolution is instructive in providing for the seriousness of "Effective Communications" and "Accommodations" violations by attorneys and fiduciaries.

SETTLEMENT AGREEMENT BETWEEN
THE UNITED STATES OF AMERICA AND
GREGG TIRONE, ESQ.
DEPARTMENT OF JUSTICE COMPLAINT NUMBER
202-53-20
http://www.usdoj.gov/crt/ada/tirone.htm

State of Wisconsin Annual Wisconsin County "Elder Abuse Wisconsin Report" Statistical Studies including re. Financial Abuse of Elderly and Disabled for years: 1984 through present. e.g.,
http://www.dhfs.state.wi.us/aging/elderabuse/WIrptElderAbuse.pdf

FAST TEAMS in the U.S. and Wisconsin (re. financial abuse of elderly and disabled).
Financial abuse is in some ways a hidden crime - one that no one likes to talk about because it often involves a family member, caregiver, or trusted friend. Yet this kind of abuse can be as serious, and as life-threatening, as actual physical abuse to older adults whose health and emotional welfare is dependent on their financial resources.

Financial elder abuse is a particularly difficult problem to uncover because older adults are often trapped by competing loyalties or other fears that keep them from reporting friends or relatives who abuse their financial trust. Imagine your mother and father putting their trust in a relative who betrays that trust by emptying their bank account.
http://www.co.dane.wi.us/aging/PDF/financeabuse-fast.pdf
http://www.co.dane.wi.us/aging/elderabuse/fast_resources.htm
http://www.coaoc.org/FAST.html

Low volume of ADA complaints handled by U.S. Dept. of Justice:"...Since 2001, the Civil Rights Division has resolved 356 ADA complaints through informal means and another 144 through formal settlement agreements; has entered into 14 consent decrees; and has successfully resolved 575 complaints through mediation. ..."

"...One out of five
Americans has a disability, and this ratio is expected to increase as the "baby boom" generation gets older. ..."
http://ada.gov/newsltr0604.htm

"Death Planning Made Difficult: The Danger of Living Trust Scams"
Hearing Before the Special Committee on Aging United States Senate, One Hundred Sixth Congress, Second Session, Washington, D.C., Serial No. 106-31, Printed for the use of the Special Committee on Aging, U.S. Government Printing Office, Washington, D.C.: 2000. 66-804cc. Superintendent of Documents, Congressional Sales Office, Washington, D.C. 20402.

American Bar Assoc. President Dennis Archer speech 2/23/2004 before the Georgetown Law School re. only approx. 10% of the legal needs of Poor folks being met. It was on C-Span-2

http://www.ucp.org/ucp_generaldoc.cfm/1/8/6602/6602-6628/1742

End the Silence: A Survey on Crime Against People with Disabilities
DID YOU KNOW that people with disabilities are victims of crimes at a rate 4 to 10 times higher than those without disabilities?
DID YOU KNOW that victims with disabilities are often denied equal justice and are repeatedly victimized because so few of these crimes are reported?
Even when crimes against people with disabilities are reported, there is sometimes reluctance by police, prosecutors, and judges to rely on the testimony of a person with a disability.
It seems the best victim is one who cannot tell. Or, when he or she does tell, won't be believed. This situation MUST change!
We all must speak out to "end the silence" of crime victims with disabilities, especially crime victims with significant communication disabilities.

The following report is online at
http://www.aclu.org/CriminalJustice/CriminalJustice.cfm?ID=15170&c=48

ACLU of Washington Report on County Indigent Defense Systems Cites Lack of Standards and Accountability Throughout the State
March 1, 2004
FOR IMMEDIATE RELEASE
SEATTLE -- The American Civil Liberties Union of Washington today issued a report detailing the problems with how counties provide criminal defense services to people in poverty. The report, "The Unfulfilled Promise of Gideon," shows that a majority of Washington counties lack comprehensive standards and adequate oversight systems to ensure that these publicly funded legal services meet basic constitutional standards.
"Inadequacies in our system for providing indigent defense services means that many impoverished people in Washington are not guaranteed adequate legal representation," said Julya Hampton, the ACLU of Washington's Legal Program Director. "The absence of oversight by either the state or most counties has perpetuated a system that lacks accountability and fairness. Washington can and must do better."

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The El Shaw case submitted today has an aspect which this U.S. Supreme Court may find to be of the magnitude of a "True Threat" made against El Shaw and/or his family members including but not limited to his severely disabled Mother's ability to participate in or be represented in the legal proceedings. The matter was reported to the U.S. Dept. of Justice by El Shaw. No visible action affecting the underlying court proceedings has been noticed to date. In other words, El Shaw and/or members of his Family are intimidated to participate in all judicial proceedings pending resolution of the "True Threat" to El Shaw. Virginia v. Black, et al. U.S. Supreme Court http://www.supremecourtus.gov/opinions/02pdf/01-1107.pdf

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Copy of Fax Communication:
From: El Shaw
Dec. 17, 2003 fax to U.S. Senator Hutchison

Please contact me re. the status of this below prior request for constituent services. Your work is appreciated.

My request is time sensitive.

Best holiday wishes.

Sincerely,
El Shaw

Copy:
To: U.S. Senator Hutchison:
December 03, 2003
Subject: TODAY, I COME TO YOU SEEKING AN IMMEDIATE COORDINATED FEDERAL CIVIL, CRIMINAL AND DISABILITY RIGHTS INVESTIGATION AND ANY RESULTING ENFORCEMENT in matters related to my Family Members case and the Terri Schiavo case

Senator Hutchison:

TODAY, I COME TO YOU SEEKING AN IMMEDIATE COORDINATED FEDERAL CIVIL, CRIMINAL AND DISABILITY RIGHTS INVESTIGATION AND ANY RESULTING ENFORCEMENT in matters related to my Family Members case and the Terri Schiavo case (many similar systemic issues).

I appreciate your assistance which goes back in excess of one year in attempting to get the U.S. Dept. of Justice to address violations of disabled citizens rights and my own Family members rights at my request. I am writing continuing to request your active involment in my request for Federal services.

You may recall I sued the Florida State Court System in Houston, TX Federal Court over specific Rehabilitation Act, Americans With Disability Act and Constitutional violations related to my Family members. I requested your assistance in getting the U.S. Dept. of Justice (DOJ) to take the lead in bring out the facts further and prosecuting that case. The Honorable Houston Federal Judge Rosenthal issued a well thought seven page opinion analyzing the law in each Federal District and dismissing my case without prejudice with the recommendation the case be filed in Florida where the Florida Court System was. The Judge noted the State could be liable if there was a "Due Process Violation" caused by an ADA or Rehab Act violation.

After numerous contacts with your office and your office's numerous contacts with the U.S. Dept. of Justice; a letter from John Wodach, head of the DOJ Civil Rights Division responsible for ADA and Rehab Act enforcement, was received. His short letter indicated individual cases are not taken. This letter from DOJ was issued before Judge Rosenthal released her above opinion. The letter was furnished to the Judge.

Multiple credible sources have informed me that there are thousands of ADA and Rehab Act complaints submitted to DOJ which are never worked.

A senior person affiliated with the National Council on Disability indicated DOJ takes 1% to 2% of ADA and Rehab Act complaints. The National Council on Disability is the key Federal organization appointed by President Bush to provide feedback to the Federal government on disability issues and implementation of laws affecting the disabled.

DOJ evidently is compartmentalized by division specialty and/or the synergy of working with multiple specialties is not present in the DOJ Civil Rights Disability Section. This may prevent worthy cases which need the consideration of other specialties (e.g., white collar crime, forensic psychiatry/psychology, forensic paper trials, RICO) from being considered for processing or being timely considered before Statutes of Limitation expire.

Some DOJ departments have policies about working cases in excess of five years old. This is without regard to whether a Statute of Limitation might be significantly longer (e.g., based upon discovery of a crime).

SERVICES REQUESTED FROM YOUR OFFICE:

I. TODAY, I COME TO YOU SEEKING AN IMMEDIATE COORDINATED FEDERAL CIVIL, CRIMINAL AND DISABILITY RIGHTS INVESTIGATION AND ANY

RESULTING ENFORCEMENT in my Family Members case:

My case includes but is not limited to concerns about the trampling of an elderly disabled woman's Constitutionally protected rights by attorney(s) and certified public accountant(s). My concerns and events are ongoing. Congress was faced with ethical lapses and responded with Sarbanes-Oxley for oversight of professionals serving Public Companys. Nothing was done to beef up or send a strong message by the Federal Government enforcing existing Federal laws regarding professional conduct in serving Non-Public Entities and Individuals.

II. TODAY, I COME TO YOU SEEKING AN IMMEDIATE COORDINATED FEDERAL CIVIL, CRIMINAL AND DISABILITY RIGHTS INVESTIGATION AND ANY RESULTING ENFORCEMENT in matters related to my Family Members case and the Terri Schiavo case (many similar systemic issues):

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1. It seems to me the good Citizens of Florida need to separate the Schiavo case from future Public Policy determination, perhaps best determined by the voters with a respect for disabled folks Federal Constitutional rights at a time the disabled person being forced to fend and speak-up as an individual (with the Presidential independence initiative for the disabled population, "Project Freedom").

2. Terri Schiavo is living. It is immoral to kill. Therefore, she is "Grandfathered to live for multiple reasons". In the alternative, she is allowed to live with full Federal protections and care until the potential Federal violations mess is sorted out at the Federal level under magnifying glass scrutiny.

The State of Florida can probably list more reasons than I could write regarding why Terri Schiavo should be allowed to live without any interruption.

3. TODAY, I COME TO YOU SEEKING AN IMMEDIATE

COORDINATED FEDERAL CIVIL, CRIMINAL AND DISABILITY RIGHTS INVESTIGATION AND ANY RESULTING ENFORCEMENT in my Family Members case (in the States of Florida and Wisconsin) and in the case of Terri Schiavo (many similar systemic issues). Matters of concern for investigation include:

a). "Denial of Due Process" including by failure to have a truly independent advocate (e.g., on behalf of Terri Schiavo).

b). Failure of the State of Florida (Wisconsin too in my family case) to step up to the plate years earlier to truly independently represent solely Terri Schiavo (and not the State's self interest's [without disclosure of State conflicts of interest which may be influenced by state budget concerns and the ability of Terri to sue the State for failures e.g., Due Process]). Were there adequate inquiries by the FL State (WI too in my case) and appropriate approvals from the FL State Judge (WI too in my case) obtained before payment(s) were made to attorneys evidently engaged by the non-independent Guardian for Terri Schiavo?

c). Failure of the Florida State Bar Grievance Committee (WI too in my case) to take the initiative in thoroughly investigating concerns over possible attorney violations of Americans With Disability Act (ADA) Title II and/or Title III and/or Rehab Act "Effective Communications" and/or "Accommodations". The intent of this request is to put the attorneys and Judges under ADA and/or Rehab Act microscope scrutiny.

The Florida State Court System (of which the Florida State Supreme Court is part) is responsible for supervising and regulating attorneys practicing in Florida. The stated policy of the Florida State Bar Grievance Committee is not to investigate complaints of Americans With Disability Act and/or Section 504 Rehab Act violations. It should be noted the Wisconsin Office of Lawyer Regulation takes the same position.

The scope of Florida Bar Grievance Committee (WI too in my case) intended enforcement is limited. Investigating committees and processes are subject to "local bias" and/or "the appearance of local bias". It is unlikely the FL Bar Grievance Committees (WI too in my case) on a regular basis will have many attorneys who are specialists with enough understanding in the fine points of the ADA and Rehab Act (therefore the probability of applying the ADA and Rehab Act law accurately to a FL Bar Grievance Committee [WI too] case is significantly decreased). Your historical studies may find few criminal case referrals out of the FL Bar Grievance Committee [WI too]- if there were mistakes in not referring along the possible criminal violations- is further research/remedy appropriate?

The ADA 1994 Technical Assistance manual (Statutory Regulation level of law) provides the example of a doctor required to take additional measures in communicating with his stroke victim client. The goal is to insure "Effective Two-Way Communications" between the doctor and stroke victim client. The Manual elsewhere states this concept applies to attorneys and others. This concept applies in ADA Title II and Title III matters which include Court proceedings (ADA Title II), attorney/professional services (ADA Title III), and attorney professional services which end up being used in a Court proceeding.

d. The Federal Government needs to immediately determine if there is a pattern and practice of Florida and Wisconsin intentionally failing to deal with provisions of Federal law including but not limited to the ADA and/or Rehab Act.

The ADA and Rehab Act violations are not new to the Florida State Court System. The State of WI has at least one major prior violation.

The Florida State Court System was force to deal with the U.S. Dept. of Justice previously over ADA Title II. An agreement was

executed to memorialize the need for the State of Florida Court System to comply with ADA and I believe the Rehab Act. This evidently Federal Court order may predate the current Gov. Bush administration.

The Florida State Court System was again put on notice at the highest levels of these types of violations subsequent to the above agreement with the U.S. Dept. of Justice. Even after notice of the violations, no change is behavior was detected. Infractions continued which to this day adversely affect my Family Members.

The State of Wisconsin was sued successfully in Federal Court in connection with rights of approximately 700 disabled people in Wisconsin nursing facilities.

The State of WI Attorney General, WI Supreme Court, WI Court of Appeals, WI Circuit Court, and WI Office of Lawyer Regulation were individually put on notice of violations in my Family Members case and concerns of a pattern and practice of intentionally failing to deal with provisions of Federal law including but not limited to the ADA and/or Rehab Act (subsequent to this 7th Circuit Federal Court case). The WI District Attorney locally based system of enforcement (for concerns related to my Family Members) lends itself to inadequate specialized training, inadequate resources (the WI County Court already has a documented resources problem), "small community bias" which has already had wide publicity in the Wisconsin press.

CERTIFICATE OF SERVICE:

I herby declare under penalty of perjury that a true and correct copy of the original filing previously submitted to the U.S. Supreme Court Clerk had been furnished via regular U.S. mail and/or messenger service (Federal Express) to: Frank P. Murphy, 6210 Trail Blvd., North,

Naples, FL 34108; Henderson, Franklin Attorneys at Law, P.O. Box 280, Ft. Myers, FL 33902; E. Hatch, P.O. Box 280, Ft. Myers, FL 33902; H. Hume, Jr., P.O. Box 280, Ft. Myers, FL 33902; M. Corso, P.O. Box 280, Ft. Myers, FL 33902; Sept. 15, 2004.

El Shaw

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Florida Supreme Court Order & FL 2nd Court of Appeals Orders:
http://www.flcourts.org/sct/clerk/disposition/2004/6/04-558.pdf

Supreme Court of Florida

THURSDAY, JUNE 17, 2004
CASE NO.: SC04-558
Lower Tribunal Nos.: 2D02-4392
2D03-371
2D03-1436
ELWYN SHAW, ET AL. vs. WILLIAM SHAW, ETC.

Petitioner(s) Respondent(s)
The petition for writ of mandamus is hereby dismissed on the Court's own
motion based on petitioner's failure to timely file a proper petition in accordance with
this Court's orders dated March 31, 2004 and May 13, 2004.

A True Copy
Test:
bhp
Served:
HON. JAMES BIRKHOLD, CLERK
ELWYN SHAW
FRANK P. MURPHY
JEFFREY DEAN KOTTKAMP
HAROLD N. HUME, JR.
ERNEST HEALEY HATCH, JR.
MICHAEL CORSO

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http://199.242.69.70/pls/ds/ds_docket

Second District Court of Appeal Case Docket

Case Number: 2D03-1436

Final Probate Notice from Lee County

ELWYN SHAW, vs. IN RE: The Estate of ARTHUR SHAW, Deceased

Lower Tribunal Case(s): 00-1942 CP

Date Docketed	Description	Date Due	Filed By	Notes
03/12/2003	order appealed			faxed, courtesty

Date Docketed	Description	Date Due	Filed By	Notes
				copy
03/12/2003	Notice		Elwyn Shaw	faxed, courtesy copy
03/31/2003	Notice of Appeal Filed		Elwyn Shaw	
03/31/2003	order appealed			
04/02/2003	Case Filing Fee			clerk/green
04/28/2003	Motion Supplemental Record & Eot For Brief		Elwyn Shaw	otherwise denied
05/30/2003	ORDER GRANTING EOT FOR INITIAL BRIEF	07/29/2003		
06/09/2003	Motion To Dismiss		Jeffrey D. Kottkamp, Esq. 0771295	
06/26/2003	ORD-DENYING APLEE'S MOTION TO DISMISS			
07/02/2003	ORD-DENYING APLEE'S MOTION TO DISMISS			
08/04/2003	Motion for Extension of Time		Elwyn Shaw	
08/14/2003	Letter			
08/14/2003	Affidavit			PS Elwyn Shaw
09/17/2003	ORDER GRANTING EOT FOR INITIAL	11/17/2003		(wall/SL)

Date Docketed	Description	Date Due	Filed By	Notes
	BRIEF			
10/08/2003	Received Records			5 VOLUMES CARLIN
11/17/2003	Motion for Extension of Time		Elwyn Shaw	to obtain the involvement of the United State Department of Justice/Protection and advocacy Organization in this case, File Brief, Supplement Record, Requesting a Corrected Index and for Misc. Relief
11/17/2003	Miscellaneous Motion		Elwyn Shaw	request to file papers by fax with the court and for misc. relief and for American with Disability Act Accomodations
11/17/2003	Motion for Appointment of Counsel		Elwyn Shaw	
11/17/2003	Miscellaneous Motion		Elwyn Shaw	for procedures to place all documents and all transcripts before this court of appeals and misc. relief
11/17/2003	Miscellaneous Motion		Elwyn Shaw	supervisory motion for procedures to disclose in camera information which will form the basis of appeal points for this appeals court's consideration and briefing and mis.

Date Docketed	Description	Date Due	Filed By	Notes
				relief
12/10/2003	Deny EOT (General)-74d			to obtain involvement of U.S. Justice Dep't
12/10/2003	Order for Immediate Filing of Brief	01/24/2004		(wall/JF) IB due
12/10/2003	Deny Appointment of Counsel-42			
12/10/2003	Deny Miscellaneous Motion-79A			(1) to file by fax; (2) supervisory motion for procedures to disclose, & (3) M/procedures to place all documents, etc. before this court
01/26/2004	Motion for Extension of Time		Elwyn Shaw	to grant reasonable extension, etc.
02/09/2004	Deny EOT (General)-74d			as moot
02/09/2004	ORD-SUA SPONTE DISMISSAL			
02/09/2004	Dismissed - Order by Judge			Davis, Covington, and Villanti
02/11/2004	Motion To Dismiss		Jeffrey D. Kottkamp, Esq. 0771295	
03/09/2004	NOTICE OF DISCRETN. JURISDICTN		NOTICE OF DISCRETN. JURISDICTN	
03/09/2004	Review Sent to Supreme Court		NOTICE OF DISCRETN. JURISDICTN	250.00 in cash attached to Notice to Invoke, Tami M. purchased a 250.00

Date Docketed	Description	Date Due	Filed By	Notes
				money order, per JimB.
03/09/2004	Case Closed			SET VIA AUTO CLOSE/MANDATE APPLICATION
04/02/2004	Acknowledged Receipt from Supreme Court		NOTICE OF DISCRETN. JURISDICTN	Has been treated as Petition for Writ of Mandamus, per S. ct. order dated 3/31/04.
04/02/2004			NOTICE OF DISCRETN. JURISDICTN	S. ct. order dated 3/31/04, Petitioner's Notice of Appeal of Various Orders and/or requests for Misc. Relief, filed in this court on 3/11/04 has been treated as a petition for writ of mandamus seeking reinstatement of the proceedings in the district court of appeal. Petitoner is allowed to and including 4/20/04, in which to file a proper petition for Writ of Mandamus. Failure to file a proper petition with this court within the time provided could result in sanctions, including dismissal.
05/17/2004			NOTICE OF DISCRETN. JURISDICTN	S. ct. order dated 5/13/04, Case is subject to dismissal for want of prosecution. Failure

Date Docketed	Description	Date Due	Filed By	Notes
				to file the proper petition with this court within 15 days from the date of this order could result in sanctions, including dismissal.
06/25/2004	Supreme Court Disposition		NOTICE OF DISCRETN. JURISDICTN	S. ct. order dated 6/17/04, the petition for Writ of Mandamus is dismissed on the court's own motion based on petitioner's failure to timley file a proper petition in accordance with this court's orders dated 3/31/04 and 5/13/04.
10/26/2004	Returned Records			
10/26/2004	Case Permanent			

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http://199.242.69.70/pls/ds/ds_docket

Second District Court of Appeal Case Docket

Case Number: 2D03-371

Probate Prohibition Petition from Lee County

ELWYN SHAW, vs. WILLIAM SHAW,

Lower Tribunal Case(s): 00-1942 CP

Date Docketed	Description	Date Due	Filed By	Notes
01/23/2003	Case Filing Fee			
01/23/2003	Petition Filed		Elwyn Shaw	
01/23/2003	Appendix			PS Elwyn Shaw
01/23/2003	Letter			RE: CASH RECEIVED ($270) AND RETURN OF $19.01
01/31/2003	Dismissed - Order by Judge			Fulmer, Davis, and Covington
01/31/2003	writ dismissal			
02/10/2003	Motion For Rehearing EN BANC		Elwyn Shaw	
02/10/2003	Motion For Clarification		Elwyn Shaw	
07/21/2003	denial of writ rehearing			
09/11/2003	Case Closed			
11/20/2003	Case Permanent			SET VIA AUTO PERMANENT APPLICATION
03/09/2004	NOTICE OF		NOTICE OF	Has been treated as

Date Docketed	Description	Date Due	Filed By	Notes
	DISCRETN. JURISDICTN		DISCRETN. JURISDICTN	Petition for Writ Mandamus, per S. ct. order dated 3/31/04.
04/02/2004	Acknowledged Receipt from Supreme Court		NOTICE OF DISCRETN. JURISDICTN	
04/02/2004			NOTICE OF DISCRETN. JURISDICTN	S. ct. order dated 3/31/04, Petitioner's Notice of Appeal of Various Orders and/or Requests for Misc. Relief, filed in this court on 3/11/04, has been treated as a petition for writ of mandamus seeking reinstatement of the proceedings in the district court of appeal below. Petitioner is allowed to and including 4/20/04, in which to file a proper petition for writ of mandamus. Failure to file a proper petition with this court within the time provided could result in sanctions, including dismissal of the case.
05/17/2004			NOTICE OF DISCRETN. JURISDICTN	S. ct. order dated 5/13/04, Case is subject to dismissal for want of prosecution. Failure to file proper petition with this court within

Date Docketed	Description	Date Due	Filed By	Notes
				15 days from date of this order could result in sanctions, including dismissal.
06/25/2004	Supreme Court Disposition		NOTICE OF DISCRETN. JURISDICTN	S. ct. order dated 6/17/04, the petition for Writ of Mandamus is dismissed on the court's own motion based on Petitioner's failure to timely file a proper petition in accordance with this court's orders dated 3/31/04 and 5/13/04.

http://199.242.69.70/pls/ds/ds_docket

Second District Court of Appeal Case Docket

Case Number: 2D02-4392

Non-Final Probate Notice from Lee County

ELWYN SHAW, and NATHAN SHAW, vs. WILLIAM SHAW, RE: EST. OF ARTHUR SHAW,

Lower Tribunal Case(s): 00-1942 CP

Date Docketed	Description	Date Due	Filed By	Notes
09/17/2002	Notice of Appeal Filed		Nathan Shaw	interlocutory.....PRO SE SAYS THIS IS APPEAL OF SEVERAL INTERLOCUTORY ORDERS
10/04/2002	Motion To Dismiss		Frank P. Murphy, Esq. 400386	
10/10/2002	missing order appealed	10/17/2002		
10/10/2002	fee - civil; pro se	11/19/2002		
10/11/2002	Motion To Dismiss		Harold N. Hume, Jr., Esq. 0127782	
10/16/2002	nonfinal appeal order for initial brief	10/31/2002		
10/17/2002	Case Filing Fee			CK FROM CLERK OF CIRCUIT COURT ACCOUNT
10/18/2002	Response Letter			dated 10-17-02
10/18/2002	Motion for		Elwyn Shaw	two sep. motions

Date Docketed	Description	Date Due	Filed By	Notes
	Appointment of Counsel			
10/18/2002	Miscellaneous Motion			Appellant called - is working on getting conformed order to us...will send asap
10/24/2002	RESPONSE		Frank P. Murphy, Esq. 400386	to motion to appoint atty and relax rules of court
10/24/2002	RESPONSE		Frank P. Murphy, Esq. 400386	to motion to appoint atty for Elwyn Shaw and for disabilities accomodations
10/24/2002	RESPONSE		Frank P. Murphy, Esq. 400386	to eot
11/01/2002	Deny Appointment of Counsel-42			both motions
11/01/2002	Grant EOT (general)-74c	11/16/2002		(tic cab/KF) AA to respond to M/Dismiss
11/04/2002	Miscellaneous Motion		Elwyn Shaw	
11/20/2002	Motion for Extension of Time		Elwyn Shaw	
11/22/2002	Letter			from post office - delivery delay of package of 11-18-02 was fault of post office
11/27/2002	Deny Miscellaneous Motion-79A			
11/27/2002	Grant EOT (general)-74c	12/12/2002		(tic cab/KF) resp. due
12/16/2002	RESPONSE		Elwyn Shaw	letter with attached misc. pleadings styled in t.ct.
01/08/2003	Miscellaneous Motion		Frank P. Murphy, Esq.	to allow timely response to motions

Date Docketed	Description	Date Due	Filed By	Notes
			400386	by Elwyn Shaw
01/08/2003	RESPONSE		Frank P. Murphy, Esq. 400386	
01/21/2003	motion striken/unauthorized			
01/21/2003	ORD-GRANTING APLEE'S MOTION TO DISMISS			
01/21/2003	Dismissed - Order by Judge			Salcines, Davis, and Covington
01/21/2003	Motion To Strike		Jeffrey D. Kottkamp, Esq. 0771295	response to Elwyn Shaw's motion and motion for the court to advise nate of the need to retain counsel
02/06/2003	Case Closed			
02/10/2003	Motion For Rehearing EN BANC		Elwyn Shaw	
02/10/2003	Motion For Clarification		Elwyn Shaw	
05/14/2003	Miscellaneous Motion		Jeffrey D. Kottkamp, Esq. 0771295	for continuance May 12, 2003 and until 15 days after May 27, 2003
05/23/2003	ORD-DENYING REHEARING			
07/15/2003	Case Permanent			SET VIA AUTO PERMANENT APPLICATION
03/09/2004	NOTICE OF DISCRETN. JURISDICTN		NOTICE OF DISCRETN. JURISDICTN	Has been treated as a Petition for Writ of Mandamus, per S. ct. order dated 3/31/04.
04/02/2004	Acknowledged Receipt from Supreme Court		NOTICE OF DISCRETN. JURISDICTN	

Date Docketed	Description	Date Due	Filed By	Notes
04/02/2004			NOTICE OF DISCRETN. JURISDICTN	S. ct. order dated 3/31/04, Petitioner's Notice of Appeal of Various Orders and/or Requests for Misc. Relief, filed in this court on 3/11/04, has been treated as a petition for Writ of Mandamus seeking reinstatement of the proceedings in the district court of Appeal below. Petitioner is allowed to and including 4/20/04, in which to file a proper petition for writ of mandamus. Failure to file a proper petition with this court within the time provided could result in sanctions, including dismissal.
05/17/2004			NOTICE OF DISCRETN. JURISDICTN	S. ct. order dated 5/13/04, Case is subject fo dismissal for want of prosecution. Failure to file proper petition with this court within 15 days from date of order could result in sanctions, including dismissal.
06/25/2004	Supreme Court Disposition		NOTICE OF DISCRETN. JURISDICTN	S. ct. order dated 6/17/04, the Petition for Writ of

Date Docketed	Description	Date Due	Filed By	Notes
				Mandamus is dismissed on the court's own motion based on petitioner's failure to timely file a proper petition in accordance with this court's orders dated 3/31/04 and May 13, 2004.

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CERTIFICATE OF SERVICE:

I herby declare under penalty of perjury that a true and correct copy of the foregoing has been furnished via regular U.S. mail and/or messenger service (Federal Express) to: Frank P. Murphy, 6210 Trail Blvd., North, Naples, FL 34108; Henderson, Franklin, Starnes & Holt Attorneys at Law, P.O. Box 280, Ft. Myers, FL 33902/ 1715 Monroe St. Ft. Myers, FL 33901; E. Hatch, P.O. Box 280, Ft. Myers, FL 33902/ 1715 Monroe St. Ft. Myers, FL 33901; H. Hume, Jr., P.O. Box 280/ 1715 Monroe St. Ft. Myers, FL 33901, Ft. Myers, FL 33902; M. Corso, P.O. Box 280, Ft. Myers, FL 33902/ 1715 Monroe St. Ft. Myers, FL 33901; Jeffrey Dean Kottkamp, P.O. Box 280, Ft. Myers, FL 33902/ 1715 Monroe St. Ft. Myers, FL 33901; Solicitor General of the United States, Room 5614, Dept. of Justice, 950 Pennsylvania Ave., N.W., Washington, DC 20530-0001 this Nov. 18, 2004.

El Shaw